

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

MAY 14 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2009-0409-PR
)	DEPARTMENT B
Respondent,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JACK ALLISON GRAY, JR.,)	the Supreme Court
)	
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20083458

Honorable Richard S. Fields, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara La Wall, Pima County Attorney
By Jacob R. Lines

Tucson
Attorneys for Respondent

Robert J. Hirsh, Pima County Public Defender
By Kristine Maish

Tucson
Attorneys for Petitioner

E C K E R S T R O M, Presiding Judge.

¶1 Pursuant to a plea agreement, petitioner Jack Gray, Jr., was convicted of attempted possession of a narcotic drug and sentenced to a mitigated, one-year prison term. Within ninety days after judgment and sentence had been entered, Gray filed a document entitled “Motion to Amend Sentencing Minute Entry under Rule 24.4 and/or Rule 32 of the Arizona Rules of Criminal Procedure.” The trial court denied relief after a hearing. Gray petitions for our review of that decision.

¶2 In essence, he maintains the Arizona Department of Corrections (ADOC) miscalculated his release date. Based on documents filed in support of his petition and our own calculations, however, Gray’s sentence has been discharged and he has been released from custody, rendering his claim moot. *Cf. State v. Hartford*, 145 Ariz. 403, 405, 701 P.2d 1211, 1213 (App. 1985) (“[W]hen an entire sentence has been served prior to consideration of that *sole* issue on appeal, the validity of its imposition is a moot question.”).

¶3 Accordingly, although we have reviewed Gray’s claim, we deny relief.

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

/s/ Garye L. Vásquez

GARYE L. VÁSQUEZ, Judge